

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**PORT HAMILTON REFINING &  
TRANSPORTATION, LLLP,**

**PLAINTIFF,**

**VS.**

**NATIONAL INDUSTRIAL SERVICES,  
LLC**

**DEFENDANT.**

**CASE NO. 1:24-cv-00023**

**ACTION FOR TEMPORARY RESTRAINING  
ORDER, PRELIMINARY INJUNCTION, AND  
PERMANENT INJUNCTION**

**DECLARATION OF FERMIN RODRIGUEZ**

I, Fermin Rodriguez, do hereby declare and say:

1. I am making this declaration in St. Croix, U.S. Virgin Islands, am over the age of majority, and have personal knowledge of the facts set forth in this Declaration.
2. I am the Vice President of Operations for Port Hamilton Refining and Transportation, LLLP (“Port Hamilton”).
3. It has been almost one month since the August 28, 2024, Superior Court hearing at which Port Hamilton agreed to allow NIS to secure for hurricane purposes the scaffolding that it had prepped for shipping off-island.
4. In that month, NIS has made no effort to secure that scaffolding any more than it already is.
5. Further, in the month since that hearing, Port Hamilton has not had need to implement its hurricane protection plan. Accordingly, there has been no need for NIS to enter process units and remove scaffolding that is in use in anticipation of a hurricane.
6. If there is scaffolding in a process unit that is not in use and NIS wishes to take it down (but not remove it from the boundaries of the refinery/terminal) for hurricane purposes, it may submit a work permit request that specifically identifies the scaffolding it wishes to take down.

7. If NIS submits such a request, Port Hamilton will evaluate the request in the same manner that it evaluates other such requests and authorize the removal if the area is safe for entry and the scaffolding identified by NIS is truly out-of-service.
8. NIS is free to use the same work permit request process to seek entry into a process unit to inspect (but not remove) scaffolding that is currently in use. Such a request will be handled in the exact same manner that Port Hamilton processes other such requests.
9. The foregoing statements are made under oath and under the pains and penalties of perjury.



Fermin Rodriguez